

Serial No. 09/528,261

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Art Unit: 2661

REMARKS

Claims 1-31, 33-37, 39-43 and 46-57 are pending in this application. All pending claims were rejected under 35 U.S.C. §103 as being unpatentable over Lothberg in view of Rosen, or that same combination in further view of Le Faucher. No claims are currently amended. Reconsideration is respectfully requested.

A Declaration of Prior Invention under 37 CFR 1.131 is submitted with this response. The 131 Declaration removes Rosen as a reference. The Office relies on Rosen as a critical piece in the argument in the OA. In particular, the Office states that "Lothberg does not expressly call for: a first label switched network and a second label switched network ... Rosen teaches: that the VPI/VCI in ATM header makes ATM label switched networks per Pg 9." Hence, without Rosen the remaining references fail to suggest every element of the claims. Withdrawal of the rejections of claims 1-31, 33-37, 39-43 and 46-57 is therefore requested.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 (ext. 305) so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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